

Prepared statement for:

Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Veterans' Affairs on March 30, 2015.

50 years is a long time to keep a secret.

My father, Thomas Baer, was drafted and served proudly in the US Army until he was medically discharged with a service connected mental health issue. Between the time he left the Army in 1965, until his death in January, 2015, he was treated off and on and hospitalized at several VA hospitals. One was Fitzsimons Army Hospital in Aurora, Colorado, which is now closed. Another was the St. Cloud, Minnesota VA Hospital. The most recent – and the last - was the Tomah VA. He was hospitalized and treated twice in the inpatient mental health unit at the Tomah VA, once in 1970, shortly after he met my mother, and again in 1982.

He and my mother remained silent about his illness. Even keeping it from me until I was in my late teens, in an attempt to protect me from the realities they both dealt with daily. Until today, aside from me, my mother, and a handful of close friends, no one other than his doctors knew of his struggle. Because there was, and still is (maybe to a lesser degree), a stigma that goes along with mental health issues. A stigma that causes feelings of shame, fear, and hopelessness. A stigma that leads to blame, discrimination, and misrepresentation in the media. That is why I have not spoken in detail about this until now.

My father was treated at Marshfield Clinic Marshfield Center on Friday, January 9th, 2015, for a bronchial infection. He was prescribed steroids as well as an antibiotic. Over the course of the weekend, his behavior had changed and he was restless, confused, and dizzy – symptoms related to his mental health issues, and symptoms that can be triggered by steroids. So on January 12th, we tried to make an appointment for him to see his regular provider at the Marshfield Clinic, but were unable to do so due to scheduling. My mother and I discussed it with my father, and he felt as though he may need to be hospitalized, so we called the Tomah VA. We explained the symptoms that we thought were mental health related, as well as the symptoms of the bronchial infection, which included trouble breathing, and the fact that he also had COPD. We were told we could bring him down and he would be evaluated.

There is an important point I would like to make. We have been questioned by cowardly, anonymous Tomah VA employees on news websites and on forums. One of which hid behind the screen name "TomahRN". These employees disingenuously ask, "Why didn't you take him to the local hospital?" Here are our reasons why: first, trust; second, fear; and third, duty.

First, we trusted the VA nurse who told us to bring him after we told her his symptoms. We trusted her medical knowledge and training, and believed she would tell us to go elsewhere if it sounded like his symptoms were life-threatening or that VA could not treat him there. We trusted that she was confident the Tomah VA could treat my dad in a compassionate and competent manner after driving 60 miles.

Second, we feared VA would stick my parents with the medical bill. When the nurse told us to come in, we were required to come in under implicit threat that my parents would bear the burden of enormous medical fees. You see, in the 90's, my dad had a similar emergency. My parents made the mistake of seeing a community doctor with no prior approval during the emergency and VA stuck my parents with a bill for thousands of dollars.

Third, and most important, Veterans Affairs has a duty to competently treat our nation's veterans in exchange for our veterans fulfilling their duty to protect our country. My dad was entitled to competent care and VA had a duty to provide it. I would not be here today if VA fulfilled its duty to my dad.

I have thought long and hard about those anonymous, public jabs at our grieving family from Tomah VA employees. Shame on you, whoever you are, because our trust in Veterans Affairs, and in you to fulfill your duty, is what killed my dad.

Here is how it happened.

We arrived at the Tomah VA Urgent Care at approximately 11am. When we checked in, I explained my father's symptoms and the urgency of his need to be seen. It wasn't until nearly 2 hours later, when he slumped over in the wheelchair he had been sitting in, that we were seen. He was unresponsive for several minutes. While they were trying to speak to him, I kept telling them I thought he had a stroke, since his left side was limp he was leaning in that direction, and he was unable to speak. They told me he was fine because his vitals were normal. I asked them again to please do whatever tests they could to see if he had suffered a stroke. I was told that they were too busy, and since at the time was again able to speak and respond (although barely, and not understandably), they were going to put him in a room until someone was able to evaluate him.

They did an EKG (I had to help the technician fix the machine because the paper had jammed and she didn't know how to fix it) and chest x-ray – but no tests relating to stroke, even though I had asked repeatedly. Approximately 45 minutes had passed and my father stated he needed to use the bathroom. The nurse got him up on the side of the bed, and my mom and I went outside for a few minutes to give them privacy. When we came back, no more than 5 minutes later, we came into the urgent care to hear the nurse screaming for someone to help her. We could hear her at the end of the hall, just past the nurses station where there were other staff, but no one moved to help. As my mother and I ran down the hall, we came into the room to see my father half in a chair, half on the floor, completely unresponsive, his left side again hanging limp but worse than the first time. The nurse was trying to get under him to get him back into the chair. My mother was screaming and I went to get someone to help. Finally, two other nurses came in and helped him back in the bed.

According to their website, out of the 94 doctors and nurses, the Tomah VA has one doctor that is board certified in emergency medicine.¹ This doctor is Dr. James Patterson, the doctor who was working in the Urgent Care that day, and the doctor who treated my father. Dr. Patterson said my father had suffered a massive stroke and told the nurse that a CT was needed. The nurse replied with "we can't, CT is down". Dr. Patterson said he would need to be transferred to another hospital, because they were not able to properly treat him there. I asked about the clot busting drug for strokes, but he said they could not administer the drug without first doing a CT scan.

They told us they were going to med flight him to Gundersen Lutheran Hospital in LaCrosse, Wisconsin. A few minutes later, they came back saying there were no helicopters flying, but they would not tell us why. It seemed completely strange to us since it was a clear day with no wind. We were then told he would be taken to LaCrosse via ambulance. An ambulance that they were intercepting – it was originally on its way for another patient who was having a possible heart attack.

When we arrived at the emergency room in LaCrosse, the doctors indicated that he should have been given the clot busting drug at Tomah and they could not understand why he was not, nor why he was not flown to the hospital. A CT scan was done immediately and surgery performed to remove the clot from his artery, but my father never regained consciousness.

Tuesday morning, January 13th, my mother was told by a social worker at the hospital that the VA would be paying for all of my father's medical care at Gundersen Lutheran as well as any rehab that would be needed. But my father never left the hospital alive. When they did another CT scan on Tuesday evening, they indicated he had likely suffered another stroke and had a brain bleed. After long discussions with doctors at Gundersen Lutheran about his prognosis, my mother and I decided to remove any life sustaining equipment, and at 4:20pm on Wednesday, January 14th, my father died, at the age of 74.²

¹ Tomah VA Medical Center Website – Our Doctors <http://www.tomah.va.gov/providerinfo/index.asp>

² Thomas Patrick Baer Obituary

<http://www.legacy.com/obituaries/marshfieldnewsherald/obituary.aspx?pid=173936994>

In 1982, when I was 7, I travelled to Tomah to the VA hospital with my mom to visit my dad at the inpatient mental health unit. We did this on several occasions, I am told, but I only have one memory. I remember being on an elevator inside the hospital with my mom and the doors opening between floors to a brick wall. Who knew that 32 years later I would be facing another brick wall of sorts – again at the Tomah VA.

We are left with so many unanswered questions, and the VA has been anything but “transparent”.

Most people in Healthcare Facilities (including receptionists) are trained in Stroke Recognition and Response. They have badges that identify symptoms and have stroke protocols. Why did the staff seem completely unfamiliar with the symptoms of a stroke, many of which my father exhibited during the first episode in the waiting room? ³

- Sudden numbness or weakness of the leg, arm or face
- Sudden confusion or trouble understanding
- Sudden trouble seeing in one or both eyes
- Sudden trouble walking, dizziness, loss of balance or coordination
- Sudden severe headache with no known cause

Why did Dr. Patterson wait until after the 2nd stroke to even suggest a CT scan? Had he suggested it after the initial stroke, maybe my father could have been moved to a better equipped facility more quickly.

Why was the CT machine “down” and for how long had it been that way?

Why did they choose to send my father 47 miles to Gundersen Lutheran Hospital in LaCrosse, instead of Tomah Memorial, which is 2 miles away from the Tomah VA? Tomah Memorial is equipped to handle stroke patients. ⁴

Why were they unable to fly him to LaCrosse?

When we arrived at Gundersen Lutheran, we were told that the clot busting drug should have been administered within 1 hour of the first stroke symptoms by their neurosurgeon. Why didn't Dr. Patterson or the nursing staff treat my father's case with more urgency?

We asked many of these questions after our interview with Dr. Wesley and his team from the Inspector General's office on February 19th. We have yet to receive any responses other than their assurance they are “working on it”. We have also asked for information from Leah Finch, the Acting Privacy Officer, on March 6th, and again on March 17th because she claimed to have not received our request, and as of today, we have yet to receive it.

The fact that my father, a man who proudly served his country, sat for almost 3 hours in the waiting room of the Tomah VA's "Urgent Care" department is completely unacceptable. Had they done something as simple as a CT scan at Tomah, the outcome may have been different. My mother has lost her husband of 43 years, her partner, and her best friend. My 10 yr. old step-son has lost his grandpa. And I have lost my father. The man who taught me love, compassion, and honesty. The man, who no matter what, always had time for me, and the man whose words made me feel as though I could accomplish anything.

I am ashamed to live in a country where men and women are sent to fight wars where they suffer horrible injuries and mental trauma and when they return, instead of being rewarded for their service and treated with respect,

³ American Stroke Association – Stroke Warning Signs and Symptoms
http://www.strokeassociation.org/STROKEORG/WarningSigns/Learn-More-Stroke-Warning-Signs-and-Symptoms_UCM_451207_Article.jsp

⁴ Tomah Memorial Hospital – Medical Services <http://www.tomahhospital.org/content/detail.cfm?pageid=19>

they are ignored, neglected, and left to die. Like the other families here today, I am tired, and I am grieving, but I will continue to fight for justice for my father and other veterans. I want to do whatever I can to ensure that no other family has to go through what we have gone through. I want to be proud to be an American again, but without drastic and immediate change at the Tomah VA, I don't know if that is possible.

Many friends and family have asked what we will do now. We will fight back - both in the courtroom and in the court of public opinion. This morning, we filed an SF-95 claim with VA and intend to sue while getting the word out across the nation. We are represented by the leading independent journalist and attorney fighting for veterans across the country. His name is Benjamin Krause. My dad's death will not go unnoticed and VA's treatment of him will not be forgotten.